

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Michael Swartz, et al

Serial Number: 10/599,583

Filed: March 28, 2008

Entitled: COMPOSITIONS AND METHOD FOR SEPARATION ENANTIOMERS

Art Unit: 1797

Examiner: Ernest G. Therkorn

Confirmation No. 1023

Mailstop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Dear Sir:

In the Office Action bearing a mailing date of May 5, 2009, the Examiner notes that the Applicants' reply filed on March 20, 2009 is not fully responsive to the prior Office Action of March 3, 2009, because Applicants have failed to elect a species for Election I requested in that office action. Applicants apologize for overlooking Election I, as Applicants elected the invention of Group II (claims 9 – 17) and focused only on Election II that is associated to the elected claim group. Applicants will now address Election I in the remarks that follow.

**REMARKS**

Election I

In the prior Office action of March 3, 2009, the Examiner argues that the present application contains claims directed to patentably distinct species; each chiral